

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------|---|----------------------|
| LAWRENCE WATKINS, |) | |
| |) | |
| Plaintiff, |) | 4:05cv3094 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| JO ANN KINNEY, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on filing no. 48, the Order of February 14, 2006, in which the court ordered the plaintiff, Lawrence Watkins, to "respond to the defendants' [Motion for Summary Judgment] by no later than March 14, 2006, by filing a brief and any available evidentiary support for the claims asserted by the plaintiff in his complaint," in the absence of which, "this action may be subject, without further notice, to dismissal, without prejudice, as abandoned and for lack of prosecution. See NECivR 41.1, which states in pertinent part: 'At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution.'" The plaintiff has not responded.

THEREFORE, IT IS ORDERED:

1. That this action and the plaintiff's complaint are dismissed, without prejudice, as abandoned and for lack of prosecution;
2. That all pending motions are denied as moot; and
3. That judgment will be entered accordingly.

March 22, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge